

**THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

TERRA PARTNERS; TERRA XXI, LTD.;
ROBERT WAYNE VEIGEL;
ELLA MARIE WILLIAMS VEIGEL;
VEIGEL FARMS, INC.; VEIGEL CATTLE
COMPANY; and VEIGEL FARM PARTNERS,
Plaintiffs,

v.

No. CV 16-1036 WPL/KK

AG ACCEPTANCE CORPORATION,
Defendant.

AFFIDAVIT OF JEFFREY A. DAHL

STATE OF NEW MEXICO)
)ss.
COUNTY OF BERNALILLO)

Jeffrey A. Dahl (“Affiant”), having been first duly sworn upon his oath, deposes and states as follows:

1. I am over the age of eighteen years and am competent to testify to the matters contained herein. The statements contained herein are based upon my personal knowledge.
2. I am an attorney licensed and authorized to practice law in the state of New Mexico and admitted before this Court. I am also admitted to practice in the Northern District of Texas where this case was pending from July 24, 2015 to September 16, 2016.
3. The Plaintiffs (“the Veigels”) retained my firm, Keleher & McLeod, P.A., to represent them in this suit and I have personal knowledge of this case and the work performed in this case. It was reasonable and necessary for the Veigels to retain attorneys with Keleher & McLeod, P.A.’s level of knowledge and skill to represent them in this case.
4. I graduated *cum laude* from J. Reuben Clark Law School, Brigham Young University, in 1979 and began practicing law in Albuquerque, New Mexico in August of 1979, at the firm of

Lamb, Metzgar & Lines, P.A., from 1979 to 1984, thereafter with the firm of Lamb, Metzgar, Lines & Dahl, P.A., from 1984 to 2006. I was a solo practitioner for one year. I have worked for the firm of Keleher & McLeod, P.A., since September 4, 2007, where I am a shareholder and a director. I have been admitted *pro hac vice* in Texas and Arizona. I am familiar with the hourly fees charged by attorneys throughout New Mexico in both state and federal litigation.

5. I have reviewed the billings from the Defendant Ag Acceptance Corporation's ("Ag Acceptance") firm, Reid, Collins & Tsai, LLP, and its attorneys, Barbara Balliette, Scott Saldana, and Trey Arbuckle, as well as the paralegal fees involved.

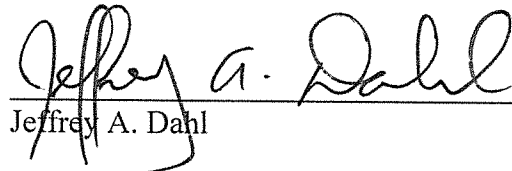
6. The fees sought to be recovered by Ag Acceptance in this case are, in my opinion, excessive and not in line with the fees that would be charged in federal litigation in the state of New Mexico. For comparison, Ag Acceptance's attorney, Barbara Balliette, who is Reid, Collins & Tsai's senior partner, charges \$400.00 per hour. It is extremely rare for an attorney in New Mexico, regardless of the complexity of the case, to charge \$400.00 per hour. By way of comparison, in federal litigation in which I have been involved during the same time period for which Defendant seeks recovery of fees in this case, my billing rate was \$275.00 per hour. The billing rate for associates was between \$150.00 and \$175.00 per hour. The billing rate for paralegals ranged from \$75.00 to \$95.00 per hour.

7. While Defendant's counsel indicates that the rates that their firm charged in this matter are equivalent to what is customarily charged in complex federal court litigation in the region, I have not found that to be the case, especially as it relates to federal court litigation in New Mexico.

8. I have reviewed several published cases from the District of New Mexico over the past five years awarding attorney's fees and none of those cases allowed fees of more than \$275.00 per hour.

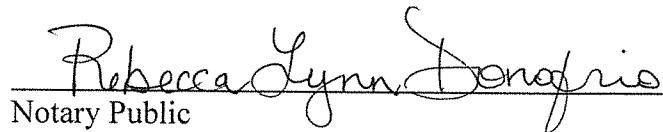
9. Based on my experience as a trial attorney having litigated in federal court in New Mexico for over 30 years, the fees sought by Defendant, while necessary and incurred in defense of this suit, are not reasonable on the basis of the amount charged per hour for the attorney partners, attorney associates and paralegals.

FURTHER AFFIANT SAYETH NOT.



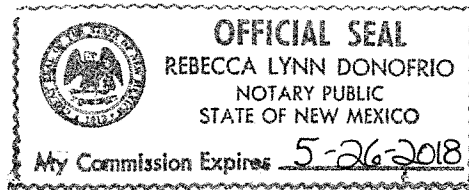
Jeffrey A. Dahl

Subscribed and sworn to before me on this 5th day of April, 2017, by Jeffrey A. Dahl.



Notary Public

My Commission expires:
5-26-2018



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